

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANTHONY DUNA,

Plaintiff,

v.

LIMA, et al.,

Defendants.

Case No.: 2:23-cv-00034-RFB-NJK

ORDER

(Docket No. 1)

On January 5, 2023, pro se plaintiff Anthony Duna, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983. Docket No. 1-1. Plaintiff did not pay the \$402 civil filing fee or file an application to proceed *in forma pauperis*.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. *See* 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. *See* 28 U.S.C. § 1915(a)(1)–(2); LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. *See* 28 U.S.C. § 1915(b).

1 Accordingly, for the reasons stated above,

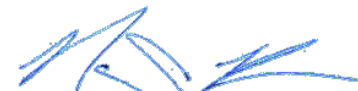
2 IT IS ORDERED that, no later than **March 20, 2023**, Plaintiff must either pay the full \$402
3 filing fee or file a fully complete application to proceed *in forma pauperis* with all three required
4 documents: a completed application with the inmate's two signatures on page 3; a completed
5 financial certificate that is signed both by the inmate and the prison or jail official; and a copy of
6 the inmate's trust fund account statement for the previous six-month period.

7 IT IS FURTHER ORDERED that, if Plaintiff fails to timely comply with this order, this
8 action will be subject to dismissal without prejudice. A dismissal without prejudice allows
9 Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a
10 complete application to proceed *in forma pauperis* or pay the required filing fee.

11 The Clerk of the Court is **INSTRUCTED** to send Plaintiff Anthony Duna the approved
12 form application to proceed *in forma pauperis* for an inmate and instructions for the same and
13 retain the complaint, Docket No. 1-1, but not file them at this time.

14 IT IS SO ORDERED.

15 DATED: January 20, 2023.

16
17 

18 NANCY J. KOPPE
19 UNITED STATES MAGISTRATE JUDGE
20
21
22
23
24
25
26
27
28